

Message Text

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ORIGIN OES-06

INFO OCT-01 EUR-12 IO-13 ISO-00 ACDA-07 AGRE-00 AID-05

CEA-01 CEQ-01 CG-00 CIAE-00 CIEP-01 COME-00 DLOS-06

DODE-00 DOTE-00 EB-07 EPA-01 ERDA-05 FEAE-00 FMC-01

TRSE-00 H-02 INR-07 INT-05 JUSE-00 L-03 NSAE-00

NSC-05 NSF-01 OMB-01 PA-01 PM-04 PRS-01 SP-02 SS-15

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TO ALL DIPLOMATIC AND CONSULAR POSTS

INFO USMISSION USUN NEW YORK

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INFORM CONSULS

E.O. 11652: N/A

TAGS: PLOS, PBOR, TPHY, EFIS, SENV, EMIN, ENRG, XX

SUBJEC,: CLAIMS TO EXTENDED JURISDICTION

1. GIVEN THE IMPORTANT ISSUES REMAINING TO BE RESOLVED
IN UNCLOS, SUCH AS THE DEEP SEABED REGIME, THE STATUS OF
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THE ECONOMIC ZONE AND RESIDUAL RIGHTS, AND THE QUESTION

OF MARINE SCIENTIFIC RESEARCH, AND THE RECENT ACTIONS BY SOME STATES INCLUDING INTER ALIA THE UNITED STATES TO ESTABLISH 200 MILE REGIMES FOR VARIOUS PURPOSES, IT MAY BE EXPECTED THAT ADDITIONAL 200 MILE CLAIMS WILL BE PUT FORTH. IT IS EXTREMELY IMPORTANT FOR THE DEPARTMENT TO RECEIVE PROMPT INFORMATION ON THE NATURE OF THE JURISDICTION TO BE CLAIMED BY ANY STATE. SUCH CLAIMS WILL HAVE AN IMPORTANT BEARING ON THE ATTAINMENT OF US GOALS IN UNCLOS, AND THE DEVELOPMENT OF CUSTOMARY INTERNATIONAL LAW, AND SUCH INFORMATION WILL BE CRITICAL IN DETERMINING USG RESPONSES OR INITIATIVES TO PROTECT US INTERESTS.

2. FOR EXAMPLE, THE U.S. 200 MILE FISHERIES LEGISLATION ENACTED ON APRIL 13, 1976 CONTAINED A PROVISION EXPLICITLY EXCLUDING SCIENTIFIC RESEARCH FROM THE EXTENDED JURISDICTION. THIS EXCLUSION WAS CONTAINED IN ONE CLAUSE

(SEC. 3 (10)) OF A 31 PAGE ACT AND MIGHT EASILY BE OVERLOOKED IN CONSIDERING THE EXTENSIVE AND COMPLEX PROVISIONS ON FISHERIES, YET IS EXTREMELY IMPORTANT TO THE U.S. POLICY OF PROTECTING FREEDOM OF SCIENTIFIC RESEARCH. THE MEXICAN 200 MILE CLAIM WHICH TOOK EFFECT LAST SUMMER, ON THE OTHER HAND, CLAIMS JURISDICTION SPECIFICALLY OVER SCIENTIFIC RESEARCH AND POLLUTION AS WELL AS FISHERIES. AS A FINAL EXAMPLE OF THE DIFFERING NATURE OF THE 200 MILE CLAIMS, THE NORWEGIAN LEGISLATION ON ITS PROJECTED 200 MILE ECONOMIC ZONE INCLUDES CLAIMED JURISDICTION OVER THE PROTECTION OF THE ENVIRONMENT, SCIENTIFIC RESEARCH, STRUCTURES, CABLES AND PIPELINES, AND NON-FISHERY RESOURCES INCLUDING ENERGY, AS WELL AS FISHERIES.

3. SOME RECENT REPORTS ON 200 MILE CLAIMS HAVE FOCUSED ENTIRELY ON FISHERIES, WITHOUT INDICATING WHETHER OR NOT CLAIMS ARE BEING MADE TO JURISDICTION OVER OTHER ACTIVITIES. THE FISHERIES ELEMENTS ARE IMPORTANT, BUT SO ARE THE OTHERS. THE U.S. MAY NOT OBJECT TO ALL SUCH CLAIMS, BUT PRECISE INFORMATION AS TO THEIR NATURE IS IMPORTANT.

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4. ACCORDINGLY, IN REPORTING ON SUCH DEVELOPMENTS ALL POSTS ARE REQUESTED TO PROVIDE AS PRECISE INFORMATION AS POSSIBLE ON THE COMPLETE NATURE OF THE CLAIMS, INCLUDING PLANS FOR IMPLEMENTATION WHERE THE NATURE OF THE CLAIM IS GENERAL, E.G. THE LEGISLATION SIMPLY PERMITS ISSUANCE OF REGULATIONS CONCERNING SCIENTIFIC RESEARCH. KISSINGER

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Copy: SINGLE
Draft Date: 21 OCT 1976
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Decaption Note:
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